

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEFFREY EDSALL,

Plaintiff,

v.

ORDER
04-CV-1012A

OLIN CORPORATION, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On May 26, 2005, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiff's motion to remand the action to the New York State Supreme Court, Niagara County be granted on the ground that the notice of removal was untimely. The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion to remand this action to the New York

State Supreme Court, Niagara County is granted. The Clerk of Court shall mail a certified copy of this Order of Remand to the Clerk of the State Court and the State Court may thereupon proceed with this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: August 5 , 2005